

**PLANNING BOARD
RESOLUTION No. 2013-05**



**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD FOR VARIANCE
APPROVAL FOR PROPERTY LOCATED AT
917 DUVAL STREET (RE#00017810-000000) IN
THE HISTORIC RESIDENTIAL
COMMERCIAL CORE ZONING DISTRICT,
PER SECTION 122-750 (4) a. BUILDING
COVERAGE AND SECTION 122-750 (6) b.
SIDE-YARD SETBACK REQUIREMENTS OF
THE LAND DEVELOPMENT REGULATIONS
OF THE CODE OF ORDINANCES OF THE
CITY OF KEY WEST.**

WHEREAS, Section 122-750 (4) a. and Section 122-750(6) b. of the Code of Ordinances provides that the maximum building coverage is 50 % and minimum allowed side-yard setback shall be 5 feet and the minimum; and

WHEREAS, the applicant requested variances to the proposed building coverage and to the side-yard setback; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 17, 2013; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist


Chairman

Planning Director

which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and



WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

 Chairman
 Planning Director

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variances; and


WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variances application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by resolution of the Key West Planning Board for variances per plans received November 1, 2012, on property located at 917 Duval Street (RE# 00017810-000000) in the HRCC-3 zoning district per Sections 122-750(4) a. and 122-750(6) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following condition:

The applicant seek and receive HARC approval for the design.

 Chairman
 Planning Director



Section 3. It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

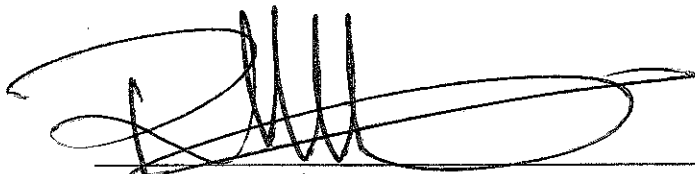
Section 7. This resolution is subject to appeal periods as provided by the City of Key West

 Chairman
 Planning Director

Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 17th day of January, 2013.

Authenticated by the Chairman of the Planning Board and the Planning Director.




Richard Klitenick
Planning Board Chairman

2/7/2013
Date

Attest:

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Resolution Number 2013-05

Chairman

 _____
Planning Director


Donald Leland Craig, AICP, Planning Director

02.06.13

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

2/8/13

Date



Chairman



Planning Director

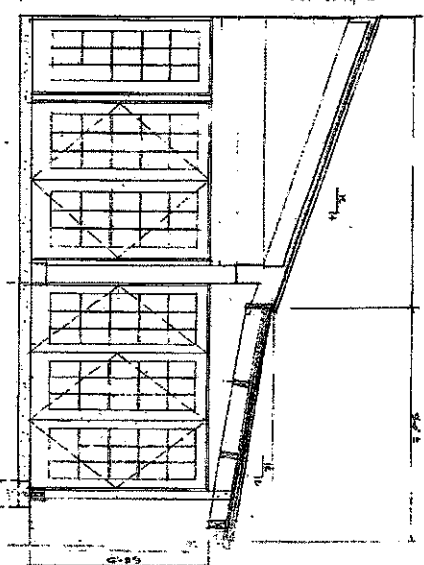
PROPOSED EAST ELEVATION

PROPOSED WEST ELEVATION

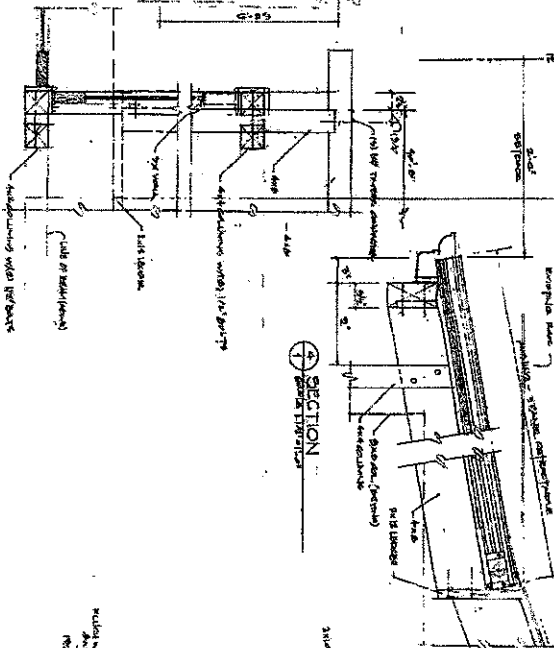
QUESTION
 Find the area of the shaded region.
 The radius of the circle is 10 cm.
 The central angle is 60°.

SOLUTION
 Area of sector = $\frac{\theta}{360} \times \pi r^2$
 = $\frac{60}{360} \times \pi \times 10^2$
 = $\frac{1}{6} \times \pi \times 100$
 = $\frac{100\pi}{6}$ cm²
 Area of triangle = $\frac{1}{2} \times r \times r \times \sin \theta$
 = $\frac{1}{2} \times 10 \times 10 \times \sin 60^\circ$
 = $25\sqrt{3}$ cm²
 Area of shaded region = Area of sector - Area of triangle
 = $\frac{100\pi}{6} - 25\sqrt{3}$ cm²

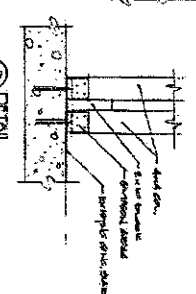
[illegible]



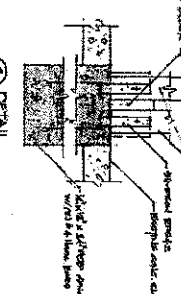
SECTION ELEVATION



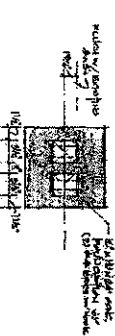
SECTION



DETAIL



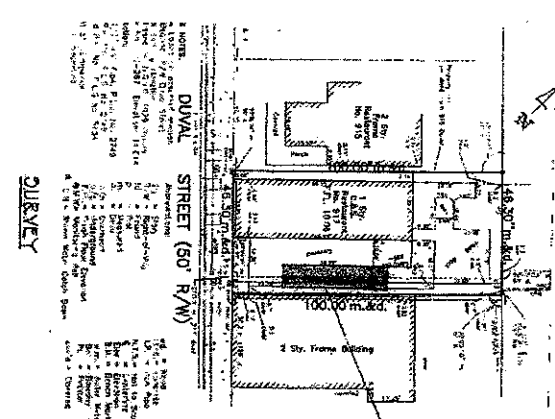
DETAIL



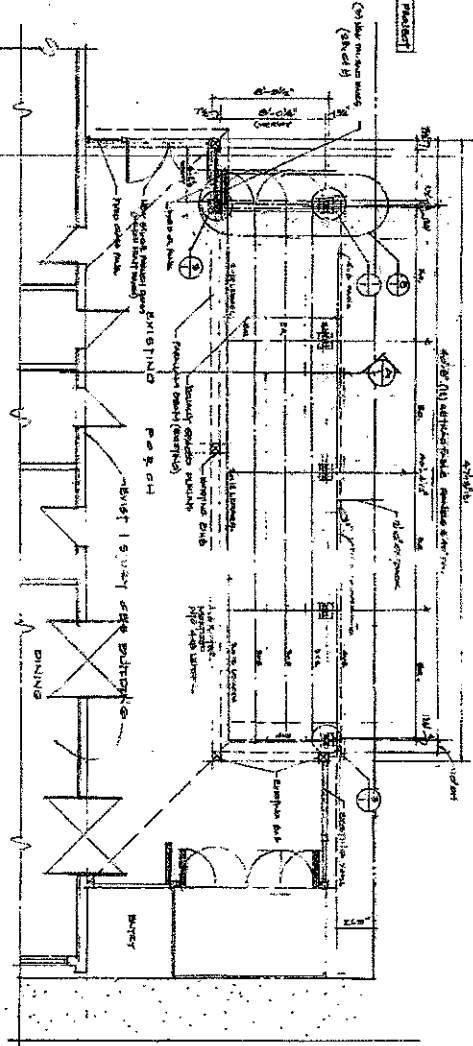
DETAIL

SECTION

SECTION



QUERREY



PARTIAL SITE PLAN

ruk



Brendon Cunningham <bcunning@keywestcity.com>

Martin's 917 Duval

1 message

william rowan <wlrowan@gmail.com>

Tue, Jan 8, 2013 at 9:19 AM

To: Brendon Cunningham <bcunning@keywestcity.com>

Brendon,

Below are the revised calculations;

| | | |
|-----------------------------|---------------------|---------------|
| Lot Size | 50' x 100' | 5000 sf |
| Building Coverage | | |
| CBS Structure | 22' x 75' | 1650sf |
| Covered Porches | 12' x 66' | 797sf |
| Total | | 2347sf |
| Proposed Retractable Awning | | |
| Opened | 3' x 42' | 126sf |
| Closed | 9' x 42' | 378sf |
| | Total Open | 2473sf |
| | Total Closed | 2725sf |

| | | | |
|-------------------|--------------|--------------|-----------------------|
| Building Coverage | Allowed | Existing | Proposed |
| | 50% / 2500sf | 47% / 2347sf | Open 49.5% / 2473sf |
| | | | Closed 54.5% / 2725sf |

Note: The Retractable Awning would only be in the **Closed** position when it is raining.

William Rowan
 Architect
 305-296-3784